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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,837	04/20/2001	Toshiharu Nogi	HAL-11380/04	5189
25006 7590 04/27/2009 GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021			EXAMINER	
			HOANG, JOHNNY H	
TROY, MI 48007-7021			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			04/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Occurrence	09/839,837	NOGI ET AL.				
Office Action Summary	Examiner	Art Unit				
	JOHNNY H. HOANG	3747				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 16 Ju	dv 2008					
	action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
ologod in addordance with the practice and of E	A parte gadyle, 1000 C.D. 11, 10	0 0.0. 210.				
Disposition of Claims						
 4) Claim(s) 1-36,47-78,81-92 and 97-100 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-36,47-78,81-92 and 97-100 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 						
Application Papers						
 9) ☐ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:						

1. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR

1.175(a)(1) and MPEP § 1414.

Applicants have failed to sufficiently specify a proper error. The newly submitted

oath (July 16, 2007) does not correct this problem. The applicants must specifically

describe at least one error with specific reference to the original patent claims. The

applicant(s) must resubmit a full, new corrected Oath/Declaration.

Note: the newly submitted oath does not identify even one single specific error,

references no specific claims or claim language, but rather does exactly what the MPEP section

1414 says is NOT acceptable. Applicant is advised to thoroughly review MPEP 1414 prior to

filing any further response.

3. Claims 1-36, 47-78, 81-92, and 97-100 are rejected as being based upon a defective

reissue Oath or Declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175. The

nature of the defect(s) in the Oath or Declaration is set forth in the discussion above in this

Office action.

4. The applicant(s) must include any changes, additions, or deletions that were made

by Certificate of Correction to the original patent grant in the reissue application without

underlining or bracketing. See MPEP 1414.01.

NOTE: Applicants have not included the changes made by the Certificate of

Correction from 4/20/2009. The applicant(s) must resubmit all portions affected by the

Certificate of Correction. It appears that the changes to the Specification made by the

certificate of correction have been included, but the changes to the claims by certificate

of correction have not.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNY H. HOANG whose telephone number is (571)272-4843.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen K. Cronin can be reached on (571) 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/839,837 Page 4

Art Unit: 3747

/JHH/ April 14, 2009 /Johnny H. Hoang/ Examiner, Art Unit 3747

/Stephen K. Cronin/ Supervisory Patent Examiner, Art Unit 3747